

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.2085 of 2022

Abinash Mohapatra

..... Petitioner
Mr.S.K.Purohit, Advocate

-versus-

Paradip Port Trust & another

..... Opposite Parties

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

11.04.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner.
3. The Petitioner has filed this writ petition with the following prayer:

“It is therefore prayed that Your Lordships to admit this case, issue notice on the Opposite Parties directing them to show cause as to why the service/appointment of the petitioner shall not be regularised as such in the post of Junior Engineer (Mechanical) on hearing both the sides, if the O.Ps show no or inadequate reasons, then issue a writ of appropriate nature directing the Opposite Parties to regularise the service of the Petitioners in the post of Junior Engineer (Mechanical).

And/or pass any such other/further order(s)/direction(s) as deemed just and proper by your Lordships in the aforesaid facts and circumstances of this case.”

4. It is submitted by the learned counsel for the Petitioner that the Petitioner is working for more than 10 years without any interim order or without intervention by any court of law on contractual basis. Despite several reminders and approaches by the Petitioner, the

authorities have not considered his case of regularization of service. It is further submitted by the learned counsel for the Petitioner that basing on the information obtained under the RTI Act that nine numbers of regular sanctioned posts are available to accommodate the Petitioner. However, the authorities have not considered the case of regularization of the Petitioner. It is further submitted by the learned counsel for the Petitioner that after working for so many years, the Petitioner has become age bar and he will not be able to get any job. Unless his service is regularised in regular vacant post, the Petitioner along with his family will suffer a lot. It is further submitted by the learned counsel for the Petitioner that the Petitioner is ready and willing to approach the authority again by filing a fresh representation along with the judgment rendered by the Hon'ble Supreme Court in **Secretary State of Karnataka v. Umadevi (3), 2006(4) SCC 1, State of Karnataka and others v. M.L.Keshari and others, 2010(II) OLR (SC) 982 and Amarkanti Rai v. State of Bihar and others (2015) 8 SCC 265 and Narendra Kumar Tiwari v. State of Jharkhand (2018) 8 SCC 238.**

5. Considering the aforesaid submissions of the leaned counsel for the Petitioner and keeping in view the law laid down by the Hon'ble Supreme Court as well as this Court for engagement on contractual basis, this Court is of the considered view that no useful purpose will be served by keeping the matter pending in this Court. Therefore, the present writ application is disposed of at the stage of admission by directing the Petitioner to file a fresh representation highlighting his grievance along with copies of the judgment of the Hon'ble Supreme Court as well as this Court on the subject in support of his claim and shall approach the authorities within two weeks from today along with certified copy of this order. In the event

such a fresh representation is filed by the Petitioner, the same shall be considered in accordance with law and in the light of the judgment rendered by the Hon'ble Supreme Court as well as this Court within a period of two months and shall be disposed of by passing a reasoned and speaking order. It is needless to mention here that in the event the authorities found that the Petitioner is covered under the law laid down in the aforesaid judgments, then the services of the Petitioner shall be regularised within a period of three months thereafter. Further, the authorities shall do well to intimate the final decision to the Petitioner within two weeks from the date of such decision. It is also directed that till consideration of the representation of the Petitioner, no coercive action shall be taken against the Petitioner.

6. With the aforesaid observation, the writ application is disposed of.
7. Issue urgent certified copy as per Rules.

RKS

